

MIDDLE TEMPLE.

# REPORT

OF THE COMMITTEE

ON LEGAL EDUCATION.





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At a Parliament holden on the 21st November, 1845, a Motion having been made by *Mast<sup>r</sup> Bethell*, of which the Notice was as follows, viz:—

That for promoting the Legal Education of the Students of this House it is expedient that a Lecturer be appointed for the purpose of reading on Jurisprudence and the Civil Law; and that two or more Exhibitions be founded for the benefit of such Students as shall on examination previous to their call to the Bar shew the greatest proficiency in the subjects of such Lectures; and that such Lectures be open to the attendance of Students of the other Inns of Court; and that from and after the First Day of Easter Term, 1846, no Student of this House be called to the Bar

who shall not have attended one of such Terminal Course of Lectures; and that the Societies of the other Inns be requested to concur with this Society in the establishment of similar Lectureships in other branches of Law; and that it be referred to a Committee to approve of proper Regulations for carrying the above objects into effect:

It was resolved and ordered by the Bench,—

“That it is expedient that steps be taken for promoting the Legal Education of the Students of this House; and that it be referred to a Committee to ascertain and report to the Bench the best mode of carrying this resolution and the objects mentioned in the above Notice of Motion into effect.”

Under the aforesaid Order the Committee have made the following Report:—

#### TO THE PARLIAMENT, &c.

Your Committee having entered on the enquiry directed to them, as to the means to be adopted “for promoting the Legal Education of the Students,”—recommend that the steps to be taken by the Middle Temple should be such as are best adapted for the *commencement* of a sound and comprehensive legal



education; for they have reason to hope that the plan, thus rightly begun, will be followed out and completed by the proceedings of the other Societies; so that the institutions which will be finally established by the several Inns shall afford to the Students collectively a complete course of legal instruction. The Committee have also adverted to the acknowledged deficiency which has long been felt to exist in the education of English Lawyers, in consequence of their entire neglect of the study of Jurisprudence and the Civil Law; although in all places where Law has been or is taught as a Science, these subjects have uniformly formed the first, and one of the most essential parts of legal education. From these, and many other reasons to the like effect, the Committee are induced to recommend that the first step for the promotion of legal education to be taken by this House, should be the appointment of a Reader on Jurisprudence and the Civil Law. To illustrate the benefits which, in the view of the Committee, would result to the legal education of the students from such an appointment, it may be well to explain the sense in which the Committee use the terms "Civil Law" and "Jurisprudence;" and their conse-

quent expectation of the province and duties of the Lecturer.

By the term "Jurisprudence," the Committee mean to indicate general Jurisprudence, as distinguished from the particular Jurisprudence of any individual nation; and which, in further explanation of their meaning, they would divide into positive Jurisprudence, or the philosophy of positive Law, and comparative Jurisprudence, or the exhibition of the principles of positive Law in an embodied form, by a comparison of the Jurisprudence of modern nations. In the first, they would have the Lecturer also include the important subject of the "Interpretation of Laws;" and under the latter head of comparative Jurisprudence, the "Conflict of Laws" may with propriety be comprised.

By the term "Civil Law," the Committee wish to indicate what may be called "Modern Roman Law," that is to say, those portions of the Civil Law which, being of an universal character, and applicable to the relations of modern society, have formed the basis of the Jurisprudence of many continental nations, and entered so largely into our own.

The Committee are of opinion that this study of the Theory of the Civil Law may be most advantageously combined with the study of Jurisprudence, and that the two united will furnish the best means of preparatory legal culture, and the formation of an enlarged and comprehensive legal mind.

In lecturing on this subject, the Committee recommend that the Lecturer should read with the class, first, the greater part of the Institutes, and then portions of the Pandects, accompanying that which is read with an exposition of the subject, tracing the rules and principles in the Jurisprudence of modern nations, and more especially in that of our own country.

The Committee believe that this plan, if properly carried out, will be of the greatest advantage to Students in the commencement of their studies; and that the transition, which they desire should be constantly made, from the principles of the Civil Law to corresponding portions of English Law, and the Cases and Judgments in the latter, which are most illustrative either of the agreement or differences of the two systems, will effectually tend



to ground the Students in a right apprehension of the principles of many of the most important portions of English Law, as now practically administered. It is scarcely necessary to observe that to students intended for the Equity bar, (and which now form a large proportion), this is the only fitting course of preparatory study.

The Committee recommend that the Lecturer should deliver three terminal courses each consisting of twenty Lectures, the first course between the first day of Hilary Term and the end of March; the second between the first day of Easter Term and the 10th of July; and the third between the 26th of October and the 24th of December in every year. This division will give about two lectures to every week, of which they recommend that one should be on Jurisprudence and one on the Civil Law, making it the text for the exposition of English Law.

The Committee are aware that to render these lectures attractive, superior qualifications will be required in the Lecturer, and that his remuneration from the Society should be ample; they think however that as an incentive to the Lec-



turer, part of the emolument should be dependent on the number of Students; and they propose therefore, that the annual sum of three hundred guineas should be received by the Lecturer from the society, and that he should also receive from every Student one guinea for each terminal course of lectures.

The Committee think that, having regard to the obligation which by the rules of the House is now thrown on the Students of attending "Readings" (which are merely nominal) and the fines imposed for non-attendance, each Student might well be required to attend at least one of the terminal courses previously to being called to the Bar; but at present the Committee recommend that no direction be given for enforcing attendance until some general system shall have been adopted in connection with the other societies. With respect to the term for which the Lecturer should be appointed, the Committee desire that there should be a succession of able Lecturers on such extensive subjects; but they are at the same time aware that the tenure of Office should be sufficiently long to afford an

adequate compensation for the labour of composing a well digested course ; and they therefore think that the Lecturer should be appointed for three years, to be computed from the end of six months from the date of such appointment, which preliminary period of six months is to be allowed for the composition of the Lectures, and in respect thereof the extra sum of one hundred guineas should be given if the Lecturer shall have discharged the duties of his office during the whole period for which he is to be appointed.

Thus the Lecturer will receive one thousand guineas from the Society, which, with the annual sums paid by the students, the benefit of publication, and, as the committee trust, the generous feeling of deserving well of the profession, will form a sufficient inducement to men of the highest attainments to seek the Office and to be zealous in the performance of its duties.

With respect to the qualification of the Lecturer the Committee recommend that he should be either a Barrister or a Doctor of Civil Law. The mode of the appointment of the Lecturer is a matter of some delicacy ; and the Committee

suggest that the Bench having received the names and testimonials of the candidates, should adopt some mode of nomination which may prevent all canvassing and personal solicitation.

The Committee propose that the Lectures shall be opened to the Students of all the Societies.

The Committee next request the attention of the Bench to the second part of the System of Education they recommend to be adopted, and which consists in the institution of an Annual Examination of Students proposed for the Bar, previous to their being called. The Committee do not propose that such examination shall be made compulsory, but they think it highly desirable that an opportunity of distinguishing themselves should be afforded to all young men desirous of becoming advantageously known to the profession in a legitimate manner; and they therefore propose that on the occasion of every call to the Bar, the names of those Students who have submitted themselves to examination shall be published by the Society with such honourable addition as they shall appear to have deserved: and the Committee hope and believe that the attention of the profession will be attracted to these lists, and

that many young men will be found desirous of availing themselves of this unexceptionable mode of becoming known and distinguished. The Committee propose that the examination shall be conducted by three Benchers, assisted by the Lecturer; and that it shall consist of questions in Jurisprudence, Common Law, Equity, and Conveyancing, to each of which questions a numerical value shall be attached by the examining Benchers.

The Committee suggest that the Lectures should commence in October 1846, unless an able Lecturer can be found who is prepared to enter in Easter Term next on the duties of his Office; and they also propose that the first examination shall be held in Trinity Term 1847.

The third recommendation of the Committee is necessary, for the completeness of the Institutions they desire to see established.

As an additional inducement to attendance at the Lectures, and to exertion at the examination, the Committee propose that two Exhibitions or Prizes of one hundred guineas each should be given by the Society to the two Students, who having diligently



attended at least three terminal courses of Lectures, shall have passed the most meritorious examination.

The Committee believe that these Exhibitions will not only prove to be a great incentive to attendance at the Lectures and at the Examination ; but that they will also be found of great benefit to many young men of slender means ; and the Committee trust that the number of these rewards may be hereafter augmented.

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At a Parliament holden on the 16th day of January, 1846, on the motion of *Mast Bethell*,

It was Ordered That the Report of the Committee on Legal Education be approved of and confirmed.— And it was Ordered that a Lecturer be appointed, an Examination instituted, and two Exhibitions established in the manner and subject to the regulations recommended by the said Report.—And it was Ordered that it be referred back to the Committee to approve of such further regulations and details as might be re-

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quisite for the said several purposes, and to report the same to the next Parliament; and the Committee were thereby empowered to take such steps as should be necessary to render public the wish of the Society to secure applications from Gentlemen desirous of becoming Candidates for the office of Lecturer, and also to communicate with the other Societies on those subjects.

